BANGALORE UNIVERSITY BILL, 1964.

Clause by Clause Consideration.

(Debate continued.)

Sri G. V. GOWDA (Palya).—Sir, I am surprised to find that there is another amendment similar to the one moved by Sri G. Ganji-Veerappa. Yesterday we were under the impression that the amendment was rejected.

Sri C. J. MUCKANNAPPA.—Sir, there is no provision in the Rules of Procedure for the Speaker asking the Government or the Government bringing an amendment when once a similar amendment is rejected.

I have read these books. They say that even if the Speaker feels that the law is going to be defective he can ask the mover of the bill to move the amendment.

Mr. SPEAKER.—I want to correct the impression that the Chair asked the Minister to move an amendment.

Sri C. J. MUCKANNAPPA.—Sir, even under Rules of Procedure and Conduct of Business, at the time of second reading, time can be given for moving amendments and that is also within the discretion of the Chair. He can ask the Minister or a member to move an amendment. In the three books that the Chair has given me, I find nowhere it is stated that after passing a sub clause, the Government can bring in an amendment after a second thought. If the Government wants to rectify it at this stage that means they were not vigilant. Even in the Rules of the House of Commons it is nowhere stated. I was not able to find out any instance where the Government could bring in an amendment in this manner. I went to some of the ex-Speakers and ex-Chairmen just to know whether such a thing had happened. They were surprised to know this. If the Government want to make any amendments, they can do it in the other House. Here, for the sake of an amendment, the Bill should not be killed.

Mr. SPEAKER.—May I know from the hon'ble member how the Bill is killed by this amendment ?

Sri C. J. MUCKANNAPPA.—Sir, I am only placing before the House what I have read and understood. Even in our Rules of Procedure the powers of the Chair are limited. The Chair can of course allow a member or a Minister to move an amendment at the appropriate stage. After an amendment is put to vote or rejected nowhere it is found that to the same clause after it is read and put to vote, a fresh amendment can be moved.

I request the Chair to ask the Government to go to the other House, get an amendment passed there and then move the same for the consideration of this Houes. I also request the Government not to allow the Government to move this amendment.

† **Sri S. SIVAPPA** (Sravanabelagola).—Sir, after accepting or rejecting an amendment, can we go back ? Whatever interpretation we may put, it is a question of testing the vigilance of the Government. Giving an amendment so late as this, after the consideration of the sub-clause is over, shows that Government is not vigilant. By accepting any amendment like this, we are allowing the Government to be indolent. They should have been vigilant enough to suggest an amendment at the proper time. I quite agree that the Government can move an amendment even at the last minute but not after the consideration of the sub-clause is over. It is only an afterthought. To set the position right, I suggest that the Hon'ble Education Minister might move an amendment in the upper House and after it is passed there, let him bring it here. I request the Hon'ble Speaker to uphold the dignity of the House so that Government may be vigilant in the future.

Sri G. V. GOWDA.—When I moved an amendment suggesting the substitution of the word 'Chancellor' for 'Government' the Hon'ble Minister said in his reply that afterall the Chancellor was not a different person and that there was no need for it. Now to come with an amendment which is contrary to the reply given by the Minister is not tenable.

Sri GANJI VEERAPPA.—Sir, the only point before the House is that when the stage at which this amendment was brought was a stage when we were considering several other amendments. Whether we have rejected some amendments or not, does not come in the way of our taking up this amendment. The point is that clause 2 was not put to the House and that it is still before the House. It is not an afterthought. If the clause had been put to vote and decided and we had proceeded to the next clause, the arguments advanced by my friends might have been valid. There is no question of reopening because the clause has not been put to vote. Under the Rules, Government can move amendments before a clause is put to vote. It is within the discretion of the Chair. We are not going out of the way and establishing a wrong precedent.

Chair's ruling *re:* admissibility of an amendment.

Mr. SPEAKER.—The facts of the matter are not in dispute. A question has been raised that an amendment that has been given by the Hon'ble Minister for Education is not admissible firstly on the ground that it has been tabled late. In my ruling I do not propose to deal with the suggestions that have been made or with the request that has been made to direct the Government to go to the Council, get an amendment passed and then bring it here. When an amendment has been given, my duty is either to acept or reject it. There are definite legal principles so far as this matter is concerned. I shall refer to those principles which have been enunciated not only in the precedents of our own legislature but also in authoritative text books. The whole concept is that so far

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as an amendment is concerned, it is on a par with a Bill itself. It is more or less a small measure or a Bill. An amendment to a Bill or to a clause in a Bill is a miniature Bill. When a Bill is introduced by a member or a Minister, it is open to any member to give notice of amendments. It is the inherent right of a member to move amendments; it is an incident ancilliary to the Bill before the House. I will refer to a book styled 'Inter-Parliamentary Union,' an authoritative book compiled and now put up for sale. It says :

> "The right to submit amendments is universally recognised as one of the prerogatives of the Members of the Parliament and not because the Speaker likes it or the Minister in charge desires it. On the principle that the greater includes the less, an amendment is regarded as a restricted form of enunciation of legislation."

This prerogative or the right of a member to move amendments is to be regulated by the rules. The rules are there and those rules and the precedents show that till I put a clause to vote every member has the prerogative to give notice of an amendment. But in order to cordinate the work it is provided in the rules that if an amendment is to be circulated to all the members, it must be given sufficiently early.

That is why the rules say that if these are to be circulated to Members, they have to be given 24 hours in advance. That is the rule in the Lok Sabha and if it is given sufficiently early, the duty is cast on the Secretary according to our rules to have it cyclostyled and circulated to all the members. That does not at all control the prerogative or inherent right of a Member to give notice. When such a situation arises, when it has been given so late that it is not possible for the Secretary to comply with the requirement for circulation, then it is open to any Member to get up and say that it has not been circulated. Then the Speaker can say that under the circumstances having regard to the content of the amendment, he can waive this rule of circulation. Then, again it does not impinge or diminish the right of a Member. The right is there. He is entitled to give notice of it. If it is not given sufficiently early to the Secretary for circulation, even in such cases, the right of the Speaker is to permit it. A convention is established in such cases that if it is brought by the Government, then the Speaker has no right to refuse As I have already stated yesterday, the responsibility will be that of the Government for the entire Bill sponsored by it. So for as granting of leave to the Government is concernd, there are precedents and principles that the Government have got the right at any time before the clause is passed to give notice of an amendment. I will come to the question, namely, if in the main clause there are sub-clauses, what is the position ? If you will remember, no sub-clause is ver put to the vote of the House, but the entire clause as it stands if t is not amended, or as amended, if it is amended, is put to the House.

So, the last minute is the crucial minute. Till the clause is put to the vote of the House, there is a right for every memberas well as for the Government to give notice of an amendment in which case the Speaker has no right to exercise any discretion. If a Member gives notice of an amendment, the convention is that consent should be given and that the Member should be afforded an opportunity, because the member has a right to move an amendment. In the light of this, if it is said that this clause has not been put to the vote of the House, *prima facie* it remains there. If any sub-clause has been passed rightly or wrongly, then there is finality. What have we been doing? The clause is before the House. I called the members to move the amendments. After the consideration of the amendments, they have been put one by one and the amendments have been accepted in some cases and in some other cases they have been accepted partially or rejected. We are not concerned with regard to the reasoning but only with regard to the result. But the fact remains that the main clause has not been put to the vote of the House. In such a case, it is said that because amendments to sub-clause (3), have been disposed of sub-clause (3) has been disposed of. No doubt amendments to sub-clause (3) have been disposed of. Does it amount to coming to the conclusion that the sub-clause has been disposed of?

Sri G. V. GOWDA.—Nobody says that.

Mr. SPEAKER.—I am glad about it. The next point is that time for giving notice of an amendment has not expired. Therefore, we have to come to the position, namely, the amendment has been rejected and therefore it shall be treated as the opinion of the House. The opinion of the House having been ascertained on the point it cannot be re-put not on account of the delay but on account of the bar. Let me deal with this question of bar. My good friend Sri G. V. Gowda is well aware that a bar should be proved conclusively.

Sri G. V. GOWDA.—Something similar cannot be admitted is the bar.

Mr. SPEAKER.—It is *Res judicata*. Section 11 of C.P.C.; it is a peculiar thing; so far as Civil Procedure Code is concerned, there is the identity of the party and the identity of the subject-matter. The subject-matter may relate to four survey numbers and not one. If members take the analogy, they will be floundering and they will make me also flounder. Bar implies that once a decision of the House is taken in request of a matter it should not be put again. What is the decision of the House in this regard? The amendment is put and it is rejected. The amendment is put in all its entirety. If there are four sub-divisions and four ideas in the amendment, they are not put separately. This amendment is not the same as the other. This amendment is a separate one. Suppose this amendment had been presented before Sri G. V. Gowda's amendment had been put to the House or discussed, was I able to reject it? All that is said is about the ground of delay. If it has come to me before I put the amendment to the vote of the House, I cannot possibly refuse it because the House has said no to

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that amendment in all its entirety. but not with respect to its parts. If it is put in a modified manner, I cannot say that the House has already rejected it. If I had to admit before putting Sri G. V. Gowda's amendment to the House, I am bound to admit it because here also there is no bar. An amendment may contain parts X, Y and Z. X may be most important and Y may be most unimportant and Z may be neither. Still all the parts namely X, Y and Z put together are rejected. That is what has now happened; But does it follow that X has been rejected separately? It may be rejected. I am not concerned with it. In a ruling which I have given on a prior occasion, I have indicated the period during which the notice of an amendment can be given before the clause is passed. It is not with regard to any sub-clause. That is why my friend Sri Muckannappa was not able to lay his hands on any text book on this point namely, that if a portion of an amendment which has been rejected is represented, that has to be rejected. No such contention has ever been raised till now. With regard to Sri G. V. Gowda's contention I do not think there is any authority for it. Are not members aware what happened when the 17th Constitution Amendment Bill was not accepted because there was not requisite majority. It was permitted to be brought again in ways known to law.

Sri C. J. MUCKANNAPPA.—It can be brought in by other doors.

Mr. SPEAKER.—On legal and technical matters, I wanted to hear the Hon'ble Members. I have heard and I am definite in my opinion without any hesitation in my mind that there were valid reasons for rejecting the amendment of Sri G. V. Gowda. It is an inherent right of the members and the entire gamut of procedure has to be adopted. Now, the precedent also I will mention. Here are some of the rulings. I do not think that I should take the time of the House by reading them.

2-00 P.M.

Sri C. J. MUCKANNAPPA.—Amendments must be put in their order, Sir, under Rule 84. "Amendments shall...be considered in the order of the clauses of the Bill to which they respectively relate..." But this amendment is not in order. This has been thought of only later.

Mr. SPEAKER.—The rule says "ordinarily" which the Honourable Member omitted. Therefore, in my opinion this amendment is admissible and I permit the Hon'ble Minister to move it.

Sri S. R. KANTHI (Minister for Education).—Sir, I beg to move:

> 'That in 'Clause 17 under the heading Class III—Nominated Members' in item (*a*), for the word "Government", the word "Chancellor" shall be substituted.'

Mr. SPEAKER.—Amendment moved:

'That in Clause 17 under the heading 'Class III—Nominated Members' in item (*a*), for the word "Government", the word "Chancellor" shall be substituted.'—

Sri G. V. GOWDA.—Sir, at least at a later stage Government have realised that they should not have this power...

Mr. SPEAKER.—So, does the hon'ble member support this amendment?

Sri G. V. GOWDA.—Definitely, Sir. But I think that these two clauses (A) and (B) may be combined in view of the fact that it is the Chancellor who makes the nomination. In order to make the clause more proper, I suggest that the various sub-clauses may be combined and we may have only sub-clauses, 1, 2 and 3

Sri S. R. KANTHI.—Sir, there is nothing inconsistent in all that. Sub-clause (A) gives the Chancellor power to nominate in a particular way. So far as sub-clause (B) is concerned, it gives a general form. There is nothing wrong in all this.

Sri S. SIVAPPA.—Sir, the Hon'ble Minister is not correct. Sub-clause (A) refers to the members to be nominated by Government. Sub-clause (B) refers to the nomination to be made by Chancellor. Now the Hon'ble Minister has moved an amendment that the word 'Government' be replaced by the word 'Chancellor.' That means sub-clauses (A) and (B) deal with the nomination to be made by the Chancellor.

Mr. SPEAKER.—If the wording does not look nice we can change it. I can do it myself.

Sri G. V. GOWDA.—We can recast this as "eight persons to be nominated by the Chancellor."

Sri S. R. KANTHI.—The power of the Chancellor in one particular case is specific. In the other, it is general. There is nothing wrong. Otherwise, It will have to be changed as eight persons to be nominated by Government...

Mr. SPEAKER.—Suppose we retain sub-clauses (A) and (B) and change the word Government into "Chancellor" and change it as "five persons also nominated by the Chancellor." If it is worded as, "also nominated by the Chancellor," it would convey the meaning intended.

Sri S. SIVAPPA.—Sir, let us have it as eight members—one to be from industries, two members from the higher secondary schools and five members representing higher education.

Mr. SPEAKER.—It only requires to be recast and nothing to be changed.

Sri S. R. KANTHI.—If the hon'ble members are going to be satisfied, the whole thing could be recast. I will move an amendment. If they are going to accept my suggestion, I can make it as follows:

"Eight persons nominated by the Chancellor as specified below:—

(i) One member representing the Industries in the university area;

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(ii) Two members who shall be Headmasters of high schools or Higher Secondary Schools in the university area ;

(iii) Five persons who shall include persons interested in Higher Education and representatives of special interests.

Mr. SPEAKER.—I think the Members accept it.

HON'BLE MEMBERS —Yes.

Mr. SPEAKER.—I will put the amendment :

The question is :

'That in clause 17 under the heading "Class III–Nominated Members" in item (a) for the word "Government," the word "Chancellor" shall be substituted.'

The amendment was adopted.

Mr. SPEAKER.—As for recasting its wording, I will do it under the inherent powers vested in the Chair and it will be on the lines mentioned by the Minister.

The question is :

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

CLAUSE 18.

Sri G. V. GOWDA.—I move :

"That in sub-clause (1), lines 2 and 3, the words 'with the approval of the Chancellor' shall be deleted."

Mr. SPEAKER.—Amendment moved :

"That in sub-clause (1), lines 2 and 3, the words 'with the approval of the Chancellor' shall be deleted."

† **Sri G. V. GOWDA.**—It is suggested that even to convene a meeting of the Senate the approval of the Chhncellor has to be taken. This particular item is not found in the Karnatak University Act or the Mysore University Act. I fail to understand why the Chancellor's consent should be taken to fix a meeting. The meeting has to be fixed at least twice in a year and the Vice-Chancellor fixes the date and sends notices in the normal course. Therefore, I request the Hon'ble Minister to withdraw those words.

† **Sri S.R. KANTHI.**—The Hon'ble Member is correct in saying that the Mysore University Act and the Karnatak University Act do not provide for that. The first annual meeting will have to be called by the

Chancellor and the other meetings will have to be called by the Vice-Chancellor. It differs from place to place. That is why we have put it "with the approval of the Chancellor." The amendment can be accepted. I have no objection.

Mr. SPEAKER.—The question is:

"That in sub-clause (1) lines 2 and 3, the words 'with the approval of the Chancellor' shall be deleted."

The amendment was adopted.

Mr. SPEAKER.—The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

CLAUSE 19.

Mr. SPEAKER.—There is no amendment. The question is: 'That clause 19 stand part of the Bill.'

The motion was adopted.

Clause 19 was added to the Bill.

CLAUSE 20.

Sri GANJI VEERAPPA.—I move:

"That in item (vi), for the words 'according to seniority' the words 'as may be prescribed by the statutes' shall be substituted."

Mr. SPEAKER.—Amendment moved:

"That in item (vi), for the words 'according to seniority' the words 'as may be prescribed by the statutes' shall be substituted."

† Sri GANJI VEERAPPA.—This relates to the constitution of the syndicate. So, it is the Principals of four colleges who ought to be *ex-officio* members of the syndicate. Why I want deletion of the words according to seniority is that among the Principals, it may be a big complicated list and it may be difficult to know who is senior because there is no basis for fixing seniority among the colleges. So, it is better to omit them and if it is worded "as may be prescribed by the Statutes" there will be no difficulty to accept it.

Sri G. V. GOWDA.—It cannot be prescribed by statutes. We do not know what is in the mind of the Hon'ble Member. It should be only according to seniority. It is not difficult to determine the seniority.

Sri S. R. KANTHI.—Sir, I accept the amendment. There need not be any confusion about it. It is true that it can be fixed by statutes.

Mr. SPEAKER.—The question is :

"That in clause 20 in item (vi), for the words 'according to seniority,' the words 'as may be prescribed by the statutes' shall be substituted."

The amendment was adopted.

Mr. SPEAKER.—The question is :

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

CLAUSE 21.

Sri G. V. GOWDA.—I move :

"That in sub-clause (2) of item (n), the following shall be substituted:—

'(n) to recognise Hostels not administered or maintained by the University, being within its area and to suspend or withdraw recognition'."

Mr. SPEAKER.—Amendment moved :

"That in sub-clause (2) of item (n)' the following shall be substituted:—

'(n) to recognise Hostels not administered or maintained by the University, being within its area and to suspend or withdraw recognition'."

Sri G. V. GOWDA.—Sir, the only intention is to add the words "within the University area". Otherwise, it may lead to recognising hostels lying outside the University Area.

Sri S. R. KANTHI.—The present provision is on a par with the Mysore University Act. I cannot accept the amendment.

Mr. SPEAKER.—The question is:

"That in sub-clause (2) for item (*n*), the following shall be substituted :—

'(n) to recognise Hostels not administered or maintained by the University, being within its area and to suspend or withdraw recognition'."

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That clause 21 stand part of the Bill."

The motion was adopted.

Clause 21 was added to the Bill.

CLAUSE 22.

Sri G. V. GOWDA.—Sir, I beg to move:

"That in item (viii) line 3, for the words 'nominated by the Chancellor' the words 'elected from among themselves by the Headmasters' shall be substituted."

Mr. SPEAKER.—Amendment moved.

"That in item (viii) line 3 for the words 'nominated by the Chancellor' the words 'elected from among themselves by the Headmasters' shall be substituted."

† Sri G. V. GOWDA.—Here, the Chancellor is to nominate three Headmasters of High Schools or Higher Secondary Schools within the University Area. If you see the previous item, it is provided that the Teachers are to be elected from among themselves. When that is the case, why should not the Headmasters also be allowed to elect from among themselves? I have suggested a democratic procedure which can be safely accepted.

Sri S. R. KANTHI.—I cannot accept the amendment because the number of Headmasters is going to be quite large. We have copied the entire item from the Mysore University Act.

Mr. SPEAKER.—The question is:

"That in item (viii) line 3, for the words 'nominated by the Chancellor' the words 'elected from among themselves by the Headmasters' shall be substituted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That Clause 22 stand part of the Bill.

The motion was adopted.

Clause 22 was added to the Bill.

CLAUSE 23.

Mr. SPEAKER.—The question is:

"That clause 23 stand part of the Bill.

The motion was adopted.

Clause 23 was added to the Bill.

CLAUSE 24.

Sri GANJI VEERAPPA.—Sir, I beg to move :

"That in sub-clause (2) in the first proviso to item (d) for the word "Reader" the word "Readers" shall be substituted."

Sri S. R. KANTHI.—I accept the amendment.

Mr. SPEAKER.—The question is :

"That in sub-clause (2) in the first proviso to item (d) for the word "Reader" the word "Readers" shall be substituted."

The amendment was adopted.

Mr. SPEAKER.—The question is :

"That clause 24, as amended, stand part of the Bill."

The motion was adopted.

Clause 24, as amended, was added to the Bill.

CLAUSES 25 AND 26.

Mr. SPEAKER.—The question is :

"That clauses 25 and 26 stand part of the Bill."

The motion was adopted.

Clauses 25 and 26 were added to the Bill.

CLAUSE 27.

Sri GANJI VEERAPPA.—Sir, I beg to move :

"That in sub-clause (2) in item (ii) for the words "Department of Studies" the words "Board of Studies" shall be substituted."

"That in sub-clause (3) in item (iii), for the words "Department of Studies" the words "Board of Studies" shall be substituted."

"That in sub-clause (4) for item (i), the following item shall be substituted :—

" (i) The Chairman of the Governing Body of the College or a person nominated by such Governing Body, shall be the Chairman of the Board."

Sri S. R. KANTHI.—I accept the amendments.

Mr. SPEAKER.—The question is :

"That in sub-clause (2) in item (ii) for the words "Department of Studies" the words "Board of Studies" shall be substituted."

"That in sub-clause (3) in item (iii) for the words "Department of Studies" the words "Board of Studies" shall be substituted."

"That in sub-clause (4) for item (i), the following item shall be substituted :—

"(i) The Chairman of the Governing Body of the College or a person nominated by such Governing Body, shall be the Chairman of the Board."

The amendment was adopted.

Mr. SPEAKER.—The question is :

"That clause 27, as amended stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

Mr. SPEAKER.—The question is :

"That clauses 28 to 48, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 28 to 48, both inclusive, were added to the Bill.

CLAUSE 49.

Sri GANJI VEERAPPA.—Sir, I beg to move :

"That for sub-clause (1) the following sub-clause shall be substituted :—

"Colleges within the University Area may, on satisfying the conditions specified in this section, be admitted to such privileges of the University as constituent Colleges as the Chancellor may decide."

Sri S. R. KANTHI.—I accept the amendment.

Mr. SPEAKER.—The question is :

"That for sub-clause (1) the following sub-clause shall be substituted :—

"Colleges within the University Area may, on satisfying the conditions specified in this section, be admitted to such privileges of the University as Constituent Colleges as the Chancellor may decide."

The amendment was adopted.

Mr. SPEAKER.—The question is :

"That clause 49 as amended stand part of the Bill."

The motion was adopted.

Clause 49, as amended, was added to the Bill.

Mr. SPEAKER.—The question is :

"That clauses 50 to 61, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 50 to 61, both inclusive, were added to the Bill.

CLAUSE 62.

Mr. SPEAKER.—Sri Sivappa is not here. So, his amendment to clause 62 cannot be moved.

Mr. SPEAKER.—The question is :

"That clause 62 stand part of the Bill."

The motion was adopted.

Clause 62 was added to the Bill.

CLAUSE 63.

Sri G. V. GOWDA.—Sir, I beg to move :

"That in line 4, for the word "Government" the word "Chancellor" shall be substituted."

Mr. SPEAKER.—Amendment moved :—

"That in line 4, for the word "Government" the word "Chancellor" shall be substituted."

† Sri G. V. GOWDA.—Sir, this relates to the appointment of the first Registrar and the first Bursar. Clause 62 provides for the appointment of the first Vice-Chancellor by the Chancellor. When that is so, why should not the Chancellor be given the right to appoint the first Registrar and the fist Bursar and why should the Government take that power?

Sri S. SIVAPPA.—I beg to move :

"That in line 5, for the words 'three years' the words 'one year' shall be substituted."

Mr. SPEAKER.—Amendment moved :

"That in line 5, for the words 'three years' the words 'one year' shall be substituted."

2-30 P.M.

Sri S. SIVAPPA.—Sir, the words 'three years' should be substituted by one year because even according to this Act, we have authorised the Vice-Chancellor to constitute various authorities within 6 months or at the latest one year. So, any powers given to the Vice-Chancellor should be limited to 6 months or at the latest one year. So, by authorising the Vice-Chancellor to make any appointments up to 3 years will be contrary to the provisions which we have already made. That is for the constitution of the various authorities within 6 months or one year. If the present Vice-Chancellor is given the powers to make any appointments till 3 years, then the authorities which are so constituted under the provisions of this Act will be powerless because according to the present Act, the power of appointment is given to the Syndicate. Now, that power has been given to a single man but that is the temporary Vice-Chancellor. If you allow this Temporary Vice-Chancellor to make appointments for 3 years, then the power of the Syndicate which will be constituted within six months or one year will be mitigated. That Syndicate will have nothing to do because all the appointments will have been made for 3 years. They cannot curtail the period of the appointments made by the Vice-Chancellor. This Vice-Chancellor will be taking away the powers of the Syndicate which will be constituted later on. So, with this in view I suggest that the Vice-Chancellor must be authorised to make any appointments at the most for six months or one year. It is in existence even in Mysore University Act. So, I request the Hon'ble Education Minister to consider this amendment in the interest of the powers that are conferred on the Senate and other authorities and restrict it to one year. It is in consonance with your Act.

†Sri S. R. KANTHI.—So far as Sri G. V. Gowda's amendment is concerned, to replace the word Government' by the word 'Chancellor', I accept it. So far as the period is concerned, the Karnatak University

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Act also provides for a period not exceeding 3 years in the case of the Vice-Chancellor and in the case of Registrar, there is the same provision. So, we have copied it from the Karnatak University and any University must have such a provision. It does not mean that it should go to the extent of 3 years.

MR. SPEAKER.—Now I put Sri G. V. Gowda's amendment which appears to be acceptable to the Hon'ble Minister. The question is :

"That in lines 4 and 6, for the words 'Government'. the word 'Chancellor' shall be substituted."

The amendment was adopted.

MR. SPEAKAR.—The question is :

"That in line 5, for the words 'three years' the word 'one year' shall be substituted."

The amendment was negatived.

MR. SPEAKER.—The question is :

"That clause 63, as amended, stand part of the Bill."

The moiton was adopted.

Clause 63, as amended, was added to the Bill.

CLAUSE 64.

MR. SPEAKER.—There is no amendment. The question is :

"That clause 64 stand part of the Bill."

The motion was adopted.

Clause 64 was added to the Bill.

CLAUSE 65.

MR. SPEAKER.—There is an amendment by Sri S. Sivappa.

SRI S. SIVAPPA.—I move :

"That in sub-clause (2), line 2, for the words 'three years' the words 'one year' shall be substituted."

MR. SPEAKER.—Amendment moved :

"That in sub-clause (2), line 2, for the words 'three years' the words 'one year' shall be substituted."

†SRI S. SIVAPPA.—The last amendment which was not accepted was with regard to Registrar and Bursar. But here in sub-clause (2) it is said that any appointment made under sub-section (1) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit to specify. That relates to appointment of teachers and appointments made by the Vice-Chancellor. As I have already stated, this authority conferred on the Vice-Chancellor is too extravagant. This provision makes the honest purpose of the Act null and void because the purpose of this Act is to make appointments by duly constituted Boards of Appointments. They will include experts in the Boards and make selections keeping in view the academic qualifications of the teachers. If the Vice-Chancellor makes appointments for 3 years, these Boards of Appointments which will be constituted after 6 months or one year cannot do anything, because the Vice-Chancellor can appoint a Reader, a Teacher or a Professor according to his choice. So, the purpose of making these appointments through a duly constituted Board of Appointment by each faculty is defected dy this power. Then what is the use of the Board of Appointments ? The Government cannot take away that position. Sir, nowhere an appointment is made temporarily for three years. Temporary appointment in any University will be for 6 months or at the most till the end of an academic year. Here, the Government propose to empower the Vice-Chancellor to make temporary appointments for 3 years. That means for 3 years, he can appoint all the readers, all the professors and even if this Federal University is concerned into a Central University, they cannot send them home. So, these temporary powers must be limited to the period of 6 months or one year.

Government may say that the maximum is three years. When they give ample power, he will necessarily appoint them for three years. One Chancellor can appoint all the Readers, Professors, Assistant Professors and Lecturers for all the three years and then go. They have made this provision, because, it seems, they want to be there for three years.

MR. SPEAKER.—It is not good arithmetic.

SRI S. SIVAPPA.—The maximum period he will be there is three years. After three months also he may go.

MR. SPEAKER.—The term of the Legislative Assembly is five years. Out of that $2\frac{1}{2}$ or $2\frac{1}{4}$ years are gone. Unless it is extended to $5\frac{1}{2}$ years how can he say three years ?

(*Laughter.*)

†SRI S. SIVAPPA.—However, this is an arbitrary power given to the Vice-Chancellor. It is too much. Through Mr. Speaker, I request that these powers should be curtailed. The Vice-Chancellor may appoint for three months or at the most for one year. The purpose of the Bill is that the University should come into existence as early as possible and that appointments should be made by the Vice-Chancellor. But by this section, we are allowing the Vice-Chancellor to appoint for three years. This is a federal type of a University

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and it is an all-India Model, for which we have to get the best qualified people. They have to call for applications and the applicants' worth should be judged by a body of experts. If that power is given to the Vice-Chancellor, the whole purpose of this great University will be defeated. He may make temporary appointments, which may be continued for six months or one year. In the interests of this University, I hope the Hon'ble Minister will accept this amendment.

†ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಸಿರ): ಸ್ವಾಮಿ, ಈ ತಿದ್ದುಪಡಿಯನ್ನು ನಾನು ಅನುಮೋದಿಸುತ್ತೇನೆ. ನನ್ನ ಮನಸ್ಸಿನಲ್ಲಿ ಒಂದು ಸಂದೇಹ ಉಂಟಾಗಿದೆ. ಹಾಗೂ ಅದಕ್ಕೆ ಪುಷ್ಟಿ ದೊರೆಯುತ್ತಾ ಇದೆ. The first Chancellor is the Governor and the first Vice-Chancellor is nominated by the Government. ವೈಸ್ ಛಾನ್ಸಲರ್ ಅವರ ನಾಮಕರಣ ಮಾಡುವುದಕ್ಕೆ ಅಧಿಕಾರ ಈ ಕಾನ್ಫಿನಲ್ಲಿ ಇಟ್ಟುಕೊಳ್ಳಲಾಗಿದೆ. ಸರ್ವಾಧಿಕಾರ ಇಟ್ಟುಕೊಂಡಿರುವುದರಿಂದ ವಿಶ್ವ ವಿದ್ಯಾನಿಲಯದಲ್ಲಿ ತಮಗೆ ಇಷ್ಟ ಬಂದವರನ್ನು ನೇಮಕ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಇದೆ. ಈ ನನ್ನ ಸಂದೇಹಕ್ಕೆ ಪ್ರಬಲ ಕಾರಣವಿದೆ. ವೈಸ್-ಛಾನ್ಸಲರ್ ಅವರು ಸರಕಾರ ಹೇಳಿದ್ದನ್ನು, ಕೇಳಬೇಕು. ಇಂಥವರನ್ನು ನೇಮಕ ಮಾಡು ಅಂದರೆ ನೇಮಕ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಇಂಥವರು ಬೇಡ ಎಂದರೆ ಬಿಟ್ಟು ಬಿಡಬೇಕಾಗುತ್ತದೆ. ಇದು ಸರಿಯಿಲ್ಲ. ಹೊಸದಾಗಿ ಹುಟ್ಟುವಂಥ ಕೂಸಿಗೆ ಬಾಲಗ್ರಹ ಹಿಡಿದಂಥ ಪರಿಸ್ಥಿತಿ ಇದು ಆಗಿದೆ. ಈ ಹೊಸ ಯೂನಿವರ್ಸಿಟಿ ಜನ್ಮ ತಾಳುವಾಗಲೇ ಕೂಸಿಗೆ ಬಾಲಗ್ರಹ ಬಂದ ಹಾಗೆ ಆದರೆ ಬಹಳ ತೊಂದರೆಯುಂಟಾಗುತ್ತದೆ. ಶ್ರೀ ಶಿವಪ್ಪನವರು ತಮ್ಮ ಸ್ವಂತ ಅನುಭವದಿಂದ ಈ ವಿಷಯವನ್ನು ಹೇಳಿದ್ದಾರೆ. ಎಷ್ಟೋ ಸಂದರ್ಭಗಳಲ್ಲಿ ಸರಕಾರದ ಭಯ ಹೋಗಿಬಿಟ್ಟಿದೆ., ಫೈಲುಗಳನ್ನು ಇಲ್ಲಿಂದ ಅಲ್ಲಿಗೆ ಅಲ್ಲಿಂದ ಇಲ್ಲಿಗೆ ಕಾರಣವಿಲ್ಲದೆ ಓಡಾಡಿಸುತ್ತಾರೆ. ವಿದ್ಯಾ ಇಲಾಖೆಯಲ್ಲಿ ಕೆಳಗೆ ಇದ್ದುದನ್ನು ಮೇಲೆ ಮಾಡುತ್ತಾರೆ, ಮೇಲೆ ಇದ್ದುದನ್ನು ಕೆಳಗೆ ಮಾಡುತ್ತಾರೆ. ಆದುದರಿಂದಲೇ ಅನೇಕ ರಿಟ್ ಅರ್ಜಿಗಳು ಹೈಕೋರ್ಟಿನಲ್ಲಿ ಬಂದಿವೆ. ಅನೇಕ ರೀತಿ ಅಧಿಕಾರ ದುರ್ವಿನಿಯೋಗ ಮಾಡುವುದು ನಡೆದಿದೆ ಎಂದು ಹೇಳಿದರೆ ಅದು ತಪ್ಪಾಗಲಾರದು ಎಂದು ಹೇಳುತ್ತೇನೆ. ಮೂರು ವರ್ಷಗಳ ವರೆಗೆ ನೇಮಕ ಮಾಡುವ ಈ ಅಧಿಕಾರವನ್ನಿಟ್ಟುಕೊಳ್ಳುವುದು ಸರಿಯಲ್ಲ. ಮೂರು ವರ್ಷ ಕೆಲಸ ಕೊಡಿಸುವ ಅವಕಾಶ ಇದರಲ್ಲಿ ಇಟ್ಟುಕೊಳ್ಳಲಾಗಿದೆ.

Mr. SPEAKER.—I have to judge about its relevancy. Is all that he has said relevant? He must confine himself to directly relevant points. These details must be avoided.

Sri C. J. MUKKANNAPPA.—The House may kindly think over for a moment. After three years of service, when his services are to be terminated, the person will approach the Vice-Chancellor and say: "Sir I have served this University for three years and for some reason or the other, because there is a clause that the appointment is made for three years, they are going to terminate my services. Please come to my rescue." Then, won't you continue him? People like our Education Minister will certainly continue him. Because, those people were appointed under the direction of the Government. ಮೊದಲು ಒಂದು ವರ್ಷ ನೇಮಕ ಮಾಡಿದರೂ ಸರ್ವಿಸೆಸ್ ಟರ್ಮಿನೇಟ್ ಮಾಡಬೇಡಿ, ಅವರಿಗೆ ಅನ್ಯಾಯ ಮಾಡಬೇಡಿ ಎಂದು ಹೇಳಿ ಮುಂದುವರಿಸಲು ಅವಕಾಶ ಮಾಡಿಕೊಳ್ಳುತ್ತೀರಿ. ಹಿತ್ತಲುಬಾಗಿಲಿನಿಂದ ಪ್ರವೇಶಮಾಡಿ ಕಾರ್ಯ ಸಾಧನೆ ಮಾಡಿಕೊಳ್ಳುವುದರಲ್ಲಿ ಸಂದೇಹವಿಲ್ಲ. ಇದರಿಂದ ಏನಾಗುತ್ತದೆ ಎಂದರೆ ಒಂದು ಸಲ ನೇಮಕವಾದ ಮೇಲೆ ಅವರೇ ಮುಂದುವರಿಯುವುದರಿಂದ ಹೊಸ ನೇಮಕ ಮಾಡಲು ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ಇದಕ್ಕೋಸ್ಕರ ಕಾರ್ ಡ್ಯಾಶ್ ಆಗುತ್ತದೆ ಎಂದು ಹೇಳುತ್ತೇನೆ.

Mr. SPEAKER.—The Hon'ble Member has caught the point like the German philosopher.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಆದುದರಿಂದ ಈ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಹೇಳಿರುವ ಹಾಗೆ ಒಂದು ವರ್ಷ ಎಂಬುದನ್ನು ಒಪ್ಪಿಕೊಂಡರೆ ಅದು ತಪ್ಪಾಗುವುದಿಲ್ಲ. ಒಂದು ವರ್ಷ ಎಂದು ಇರುವ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಂಡರೆ ಎಲ್ಲರಿಗೂ ಸಮಾಧಾನವಾಗುತ್ತದೆ.

† Sri S. R. KANTHI.—I cannot accept the amendment. This clause is taken in toto from the Karnatak Univesity Act. The period mentioned 'not exceeding three years' may not exactly mean three years; it may be six months, one year or two years or three years. This is the maximum period and it does not mean that the period will be the condition of service. It is not the Vice-Chancellor who appoints the teachers. It is the Chancellor. The Vice-Chancellor only appoints any other officer of the university. When it is "any other officers" it means that it is not the Vice-Chancellor, it is not the Registrar or Bursar. Some other small officers will be appointed by the Vice-Chancellor. When it is the question of teachers, it is the Chancellor who will appoint them.

Mr. SPEAKER.—The question is:

"That in sub-clause (2), line 2, for the words "three years" the words "one year" shall be substituted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That clause 65 stand part of the Bill."

The motion was adopted.

(Clause 65 was added to the Bill).

CLAUSE 66.

Sri S. SIVAPPA.—I move:

"That in item (d), line 2 for the words "three years" the words "one year" shall be substituted."

Mr. SPEAKER.—Amendment moved:

"That in item (d), line 2 for the words "three years" the words "one year" shall be substituted."

Sri S. SIVAPPPA.—The whole idea underlying the amendment is to enable the Vice-Chancellor to see that the provisions of this Act are implemented. We have provided that the authorities like the Board of Appointments, the Syndicate, etc., should come into force six months or at the latest one year. Till one year we have to empower the Vice-Chancellor to function effectively even if there is no Board of Appointments. So up to that period we have to empower the Vice-Chancellor to make appointments or any such thing so that he can see that the provisions of this Act are implemented. By giving three years you are taking away the powers of the Syndicate or the Board of Appointments. It affects the very spirit of the Act. The Act provides

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for the constitution of Board of Appointments. The Board of Appointment has to select experienced and proper men for the university. We all know that this federal university is to be of the type of the Delhi University. By introducing this clause you will be taking away the characteristic of the Delhi University. You are pleased to adopt the provisions of the University Act whenever it is convenient to you. I want to know where you can find an identical provision like this.

Sri S. R. KANTHI.—There is no question of having the same provision as in the Delhi University Act. It was formed long back. In the case of Mysore University Act, it is an old university.

Sri S. SIVAPPA.—Even in these universities decades back temporary powers given to the Vice-Chancellor were not so unlimited as it is here. In the interest of university these wide and wild powers cannot be given to the individuals. The Bangalore University should be on the proper lines; One person cannot make appointments to the posts of Professors. To appoint a Professor is not an easy job. Even with all experience it is difficult to select proper men. So, I prevail upon the Government not to be adamant in these things. I request the Government to accept it. So, with the good intention of maintaining a high standard of education in the university, best men must be selected. With this end in view I request the Hon'ble Minister to empower the Vice-Chancellor to make appointments for one year at the most.

† Sri S. R. KANTHI.—I am sorry I cannot accept the amendment. The hon'ble Leader of the Opposition is under a wrong impression altogether. The Delhi University was established in 1922. No such powers can be prescribed in the amending Act. The same thing holds good in the case of Mysore University also. It is an old university. I can tell for the information of the hon'ble member that in our time three universities were established in Bombay and all of them had similar powers. This Bill gives power to the Government to make statutes. This is on by temporary power and will be replaced by statutes. Those statutes which are prevaling in the Mysore University are going to be accepted by the Government. I cannot accept the amendment.

3-00 P. M.

Mr. SPEAKER.—The question is:

"That in item (d), line 2 for the words "three years" the words "one year" shall be substituted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

That clause 66 stand part of the Bill.

The motion was adopted.

Clause 66 was added to the Bill.

CLAUSE 67.

Sri G. V. GOWDA.—Sir, I beg to move :

"That in sub-clause (3) (a), at the end of the sentence, for the full stop, a comma shall be substituted and the following shall be added."

"and such of the teachers or other employees not absorbed in the services of the Bangalore University would continue to remain in the services of the Mysore University or the Government as the case may be."

Mr. SPEAKER.—Amendment moved :

"That in sub-clause (3) (a), at the end of the sentence, for the full stop, a comma shall be substituted and the following shall be added :—

"and such of the teachers or other employees not absorbed in the services of the Bangalore University would continue to remain in the service of the Mysore University or the Government as the case may be."

† Sri G. V. GOWDA.—Sir, in case the teachers or other employees are not absorbed in the Bangalore University, the only alternative for them is to go back to the University Service or Government Service as the case may be. In order to make it clear I have moved this amendment. Besides, the provisions of clauses 65 and 67 are inconsistent.

Sri S. R. KANTHI.—I cannot accept it. There is no inconsistency at all. The services of Government employees or of the teachers will only be lent to the Bangalore Univessity.

Sri G. V. GOWDA.—Sir, I beg leave of the House to withdraw my amendment.

The amendment has by leave of the House withdrawn.

Mr. SPEAKER.—The question is :

That clause 67 stand part of the Bill.

The motion was adopted.

Clause 67 was added to the Bill.

CLAUSE 68.

Sri S. M. KRISHNA (Maddur).—Sir, I beg to move :

"That in sub-clause (1), line 2, for the words "the Vice-Chancellor", the words "the Syndicate" shall be substituted.

Mr. SPEAKER.—Amendment moved :

"That in sub-clause (1), line 2, for the words "the Vice-Chancellor", the words "the Syndicate" shall be substituted.

Sri G. V. GOWDA.—I do not wish to move my amendment No. 51. But I seek a clarification whether the Allocation Committee will consider only the case of those teachers that are lent to the Bangalore University or of the teachers that are not lent also.

Sri S. R. KANTHI.—The allocation is between the Mysore University and the Bangalore University. There is no complication at all.

[MR. DEPUTY SPEAKER in the Chair.]

Sri S. M. KRISHNA.—All that I seek by this amendment is that the Syndicate may be made a party to the agreement that may be arrived at between the Government and the Vice-Chancellor. Instead of the Vice-Chancellor taking the entire responsibility of taking over a particular college to the University, it would be better that the Syndicate in its collective wisdom arrives at a satisfactory decision. The Education Minister need not have any difficulty in accepting this amendment. Thereby, we will be enhancing the powers of the Syndicate which is as it ought to be.

Sri S. R. KANTHI.—Sir, the Vice-Chancellor has been included advisedly because the transfer of a Government College to the University is not merely a question pertaining to the Syndicate alone but to the entire University. The Senate will have to agree to such a proposal. When the Vice-Chancellor takes a step in taking over a Government College, he takes the consent not only of the Syndicate but also of the Senate.

Sri S. M. KRISHNA.—Why should it not be mentioned in the Act itself that the Vice-Chancellor should consult ? No where it is said that the Vice-Chancellor has to consult the Senate.

Sri S. R. KANTHI.—It is not necessary to mention that. It is obvious. He will have to take the consent and sanction of both the Syndicate and Senate. Otherwise he won't stay there for a day.

Mr. DEPUTY SPEAKER.—The question is:

"That in sub-clause (1), line 2, for the words 'the Vice-Chancellor', the words 'the Syndicate' shall be substituted."

The amendment was negatived.

Mr. DEPUTY SPEAKER.—The question is :

"That clause 68 stand part of the Bill."

The motion was adopted.

Clause 68was added to the Bill.

CLAUSE 69

Mr. DEPUTY SPEAKER.—There is an amendment by Sri G. V. Gowda.

Sri G. V. GOWDA.—I move:

"That the words 'or with the approval of the Government' occurring at the end shall be deleted."

Mr. DEPUTY SPEAKER.—Amendment moved:

"That the words 'or with the approval of the Government' occurring at the end shall be deleted."

†Sri G. V. GOWDA.—This clause relates to allocated employees. If a person is allocated under section 67 or 68 to serve in Bangalore University, he is entitled to the same conditions of service as were applicable to him before such allocation. That will satisfy the principle of natural justice and nothing should be done to affect the conditions of service as were applicable to them before they are allocated to the University unless they consent to such conditions or terms being altered. Here what the clause says is with the approval of the Government, conditions of services can be altered. Where is justification for such a thing? Why should the Government seek to alter the conditions o service of a particular teacher who is allocated to this Bangalore University? If he consents, you can alter the conditions of service; but if he does not consent to it, the Government will be altering his conditions to his detrimental and it will affect the rights that he was enjoying before he was allocated to the new University. So, just to emphasise that point, I have suggested you can alter the conditions provided the consents to it. *Suo moto* the Government cannot do it. If the Government does it, it is an infringement of the rights he is enjoying. It contravenes the provisions of fundamental rights. You must therefore delete the words 'or with the approval of the Government.'

Sri S. R. KANTHI.—I cannot accept the amendment. The amendment is to the effect that the University will not be allowed to alter the conditions of service of any Government servant with the approval of the Government. After all, even though a Government servant is transferred to University Service, still the responsibility lies with the Government. So, any change in the conditions of service should be made with the consent of the Government.

Mr. DEPUTY SPEAKER.—I will put the amendment to the vote of the House. The question is:

"That the words 'or with the approval of the Government' occurring at the end shall be deleted."

The amendment was negatived.

Mr. DEPUTY SPEAKER.—The question is:

"That clause 69 stand part of the Bill."

The motion was adopted.

Clause 69 was added to the Bill.

CLAUSE 70.

Sri G. V. GOWDA.—I beg to move :

"That in sub-clause (1), the words 'and where any college does not comply with the provisions...to have any privileges of the University' occurring at the end shall be deleted."

"That in sub-clause (3), the words 'any such teacher shall not be entitled to any damages...by him till the date of retirement' occurring at the end shall be deleted."

Mr. DEPUTY SPEAKER.—Amendments moved :—

"That in sub-clause (1), the words 'and where any college does not comply with the provisions ..to have any privileges of the University' occurring at the end shall be deleted."

"That in sub-clause (3), the words 'any such teacher shall not be entitled to any damages...by him till the date of retirement' occurring at the end shall be deleted."

†Sri G. V. GOWDA.—Under clause 49, Colleges within the University area may be admitted to such privileges of the University as constituent colleges as the Chancellor may decide on satisfying the conditions specified in that section. Colleges that are situated within the University area can seek to be admitted to the privileges of the University under clause 49 and I wish to ask the Hon'ble Minister whether it is open to the University to compel any college situated within the University area to get itself admitted to the privileges of the University.

Sri S. R. KANTHI.—That is right.

Sri G. V. GOWDA.—But in clause 49, you say if it satisfies the conditions, it may be admitted.

Sri S. R. KANTHI.—Do you thing that you can work here ?

Sri G. V. GOWDA.—That is a different matter. The University cannot compel any college to satisfy conditions to get itself admitted to the privileges of the University.

Sri S. R. KANTHI.—The idea is that every one of the colleges in Bangalore City should be affiliated and admitted to the privileges of the Bangalore University. They will be temporarily admitted for one year and after the Commission goes round and finds out what is the position, certain conditions will be put on the colleges to fulfil and they must fulfil those conditions within a period of one year. In case they do not fulfil them, it naturally lies with the Chancellor to disaffiliate them.

Sri G. V. GOWDA.—In case they do not fulfil the conditions, they will not be affiliated to the University. In that case, would they cease to have affiliation to the University of Mysore ?

Sri S. R. KANTHI.—Let me read clause 5 as passed. Here the entire jurisdiction vests with the Bangalore University and nobody can step in here.

Sri G. V. GOWDA.—"....the said college shall, on the expiry of the period of one year notwithstanding anything contained in any order of affiliation made under the Mysore University Act, 1956, or section 5, will cease to have any privileges of the University." I want to know if it refers to the Mysore University or the Bangalore University.

Mr. DEPUTY SPEAKER.—Naturally, it refers to the Bangalore University only.

Sri G. V. GOWDA.—But, in my opinion, it refers to the Mysore University. Which University does the Hon'ble Minister mean? Would it affect the privileges of a particular college?

Sri S. R. KANTHI.—When a certain area comes under one University, no other university can come into that area. Suppose the Mysore University disaffiliates certain colleges. Does it mean that that college can take advantage and seek affiliation with the Karnatak University?

Mr. DEPUTY SPEAKER.—In the definition clause. University means only the Bangalore University. If it refers to another University that should be specifically mentioned.

Sri G. V. GOWDA.—There is a right given to the colleges under 5 (2). Supposing they do not fulfil all the conditions, what happens?

†Sri S. R. KANTHI.—The are two types—a fresh college applying to the university to get affiliation to be admitted to the privileges of a constituent college. This comes under clause 49. In the case of those colleges which are now subsisting, naturally the university will give temporary affiliation and within one year they should fulfil all the conditions. In case they do not fulfil the conditions, they will be disaffiliated. After disaffiliation, if my friend wants affiliation to the Mysore or Karnatak University, let him try in the High Court.

Sri G. V. GOWDA.—If the college is already affiliated to the Mysore University, and if now they do not fulfil all the conditions of the Bangalore University, what should happen?

Sri S. R. KANTHI.—They will lose the privilege of the Bangalore University.

Sri G. V. GOWDA.—But what about their affiliation with the Mysore University?

Sri S. R. KANTHI.—That also goes.

Sri G. V. GOWDA.—It refers to the new colleges and not to the existing colleges affiliated to the Mysore University. That is what I think Suppose there is an intermediate college within the university area. It is not meant for post-graduate course or research. Is it open to the university to compel even such colleges?

Sri S. R. KANTHI.—A constituent college is mostly an under-degree college. It is not a post-graduate college.

Sri G. V. GOWDA.—I had an impression that the intention of the Bill was that the university would admit as constituent college only such colleges which started these post-graduate courses.

Mr. DEPUTY SPEAKER.—All colleges in the area,

Sri G. V. GOWDA.—If that is the intention of the legislation, I do not press this amendment.

Mr. DEPUTY SPEAKER.—Then does the member seek leave of the House to withdraw his amendment to clause 70 of the Bill ?

Sri G. V. GOWDA.—Yes, Sir.

The amendment was by leave of the House withdrawn.

†Sri G. V. GOWDA.—As regards my next amendment to clause 70, if any college is admitted as a constituent college, then the teacher working there is continued in that particular college. But when a teacher is not approved by the University and if that teacher does not possess the qualification or other terms, then such a teacher is removed. In fact, they are removed and they are not entitled to claim damages. This I would question. Because, they are working as permanent teachers and now the college is admitted to the university. The university prescribes certain conditions or qualifications for teachers to be in the service of a constituent college. In case these teachers do not have those qualifications, they would be removed. Would you not be eaving them in the wilderness ?. Therefore, I submit that the words that "he is not entitled to damages" may be removed. If he is not entitled to it, he will not be given even if he claims. But to say that he has no right to claim is not correct. There is no other remedy open to him. One teacher would have worked for ten years, say, in the National College. Now the National College gets admitted into the Bangalore University. If that teacher has not got the particular qualifications, he will be driven out practically. Had there been no university in Bangalore, he wouldhave continued for another 15 years.

Mr. DEPUTY SPEAKER.—He would be entitled to all the benefits.

Sri G. V. GOWDA.—But to say that he is not even entitled to damages in my opinion, is not justified.

Mr. DEPUTY SPEAKER.—Time for consideration of this Bill is extended by 15 minutes more.

3-30 P.M.

†Sri S. R. KANTHI.—I cannot accept the amendment. The fears of my Hon'ble friend are not correct. After all he will get benefits of retirement and I do not think there is such an occasion when this sub-clause will be called into question. As far as my knowledge goes most of the teachers in Bangalore City are fully qualified. If there are one or two they will be quite juniors who might be working as temporary hands. Those who have been working in the Mysore University in Bangalore during the last 10 or 15 years have been found to be fit teachers. There is no fear at all. This clause is there in order to weed out incapable persons. I do not think there is any such person. I request the hon'ble member not to press his amendment.

Mr. DEPUTY SPEAKER.—I put the amendment to the vote of the House :

The question is :

"That in sub-clause (3) the words "any such teacher shall not be entitled to any damages... by him till the date of retirement" occurring at the end shall be deleted."

The amendment was negatievd.

Mr. DEPUTY SPEAKER.—The question is:

"That clause 70 stand part of the Bill."

The motion was adopted.

"Clause 70 was added to the Bill."

Mr. DEPUTY SPEAKER.—The question is :

"That clauses 71 and 72 stand part of the Bill."

The motion was adopted.

"Clauses 71 and 72 were added to the Bill."

Mr. DEPUTY SPEAKER.—The question is :

"That clause 1, the title and the preamble stand part of the Bill."

The motion was adopted.

"Clause 1, the title and the preamble were added to the Bill."

Motion to pass.

Sri S. R. KANTHI.—I beg to move :

"That the Bangalore University Bill, 1964, as amended, be passed."

Sri C. J. MUKKANNAPPA.—Sir, I rise to a point of order. The Chair was to put the Schedule to the vote of the House.

Mr. DEPUTY SPEAKER.—The schedule is part of clause 72.

The question is :

"That the Bangalore City University Bill, 1964, as amended, be passed."

Those who are in favour of the motion will say "Aye."

Sri GANGADHARA NAMOSHI (Gulbarga).—Sir, I press for a division.

Mr. DEPUTY SPEAKER.—The question is :

"That the Bangalore City University Bill, 1964, as amended, be passed."

Those in favour of the motion will say "Aye" I think the "Ayes" have it.....

Sri GANGADHARA NAMOSHI.—I press for a division.

The House divided :

yes 41 : *Nos* 26.

Mr. DEPUTY SPEAKER.—The motion is adopted.

THE MYSORE VILLAGE DEFENCE PARTIES BILL, 1964.

Motion to consider.

Sri R. M. PATIL (Minister for Home).—Sir, I beg to move :

"That the Mysore Village Defence Parties Bill, 1964 be taken into consideration."

Mr. DEPUTY SPEAKER.—Motion moved :

"That the Mysore Village Defence Parties Bill, 1964 be taken into consideration."

The House will now adjourn for recess till 4-05 p.m.

The House adjourned for recess at Thirty-five Minutes past Three of the Clock and reassembled at five Minutes past Four of the Clock.

Sri R. M. PATIL.—

Mr. SPEAKER.—Sir,.....

[DEPUTY SPEAKER in the Chair.]

Member's Representation

Sri C. J. MUKKANNAPPA.—Sir, we make a mistake between the Deputy Speaker and the Speaker. We should not repeatedly commit mistakes in this matter.

Sri S. R. KANTHI.—In the Bombay Legislative Assembly, when I was the Deputy Speaker, every time I entered the House I was announced as the Speaker. When the Deputy Speaker acts as the Speaker, he is in the position of the Speaker. I go a step further and say that whenever I presided as Deputy Speaker in the Bombay Legislative Assembly, the members there used to address me as Mr. Speaker.